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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,844	01/22/2004	W. Neil Wilson	32535-01	5869

7590 02/16/2007
John B. Hardaway, III
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EXAMINER

BANGACHON, WILLIAM L

ART UNIT	PAPER NUMBER
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2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/762,844	Applicant(s) WILSON ET AL.	
	Examiner William L. Bangachon	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) ✓
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner's Response

1. In response to the application filed 1/22/2004, the application has been examined. The Examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. It is the Examiner's position that claims 1-22 are unpatentable for the reasons set forth in this Office action:

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 20 and 21 have been renumbered 21 and 22.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-4, 6-10, 12-13 and 15-22, are rejected under 35 U.S.C. 102(e) as being anticipated by USP 6,600,734 {hereinafter '**Gernert et al**'}.

In claim 1, Gernert et al teach of a system for authentication and authorization of physical equipment use, such as handheld laser scanners, barcode readers, voice communication handsets, pagers, or data gathering devices {see Gernert, col. 7, lines 13-23} comprising:

a computer network (i.e. local area network 100 or 200) having a central computer gateway (i.e. PSTN, LAN, WAN, etc) shown in Figure 1 and described in column 6, lines 38-53+;

at least one system-access detector, (i.e. base station 12, 13, 14 or apparatus 50 combining an access point and telephony gateway), having a location identification (i.e. access point), said at least one system-access detector 50 interfacing with said central computer gateway as shown in Figure 3 {also see column 8, lines 15-48+}; and

at least one client identifier unit (i.e. mobile unit or handset 15) having a client identification (i.e. PIN number or password) described in column 14, lines 50-65, and located with the equipment, said client identifier unit communicating with at least one of said at least one system-access detector 50 {see paragraph bridging columns 7 and 8; column 10, lines 53-61}.

In claim 2, Gernert et al teach that said location identification of each of said at least one system-access detector comprises a media access control (MAC) address embedded in a data link layer such as an IEEE 802.11 MAC protocol {see column 8,

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lines 15-23+} and an Internet protocol (IP) address embedded in a network layer such as VOIP {see column 8, lines 39-47; column 14, lines 13-25}.

In claim 3, Gernert et al teach that each of said client identification of each of said at least one client identifier unit comprises a MAC address {see column 8, lines 15-23+}.

In claim 4, Gernert et al teach that each of said at least one client identifier unit further comprises:

- a controller (keypad processor 172) coupled with the physical equipment (i.e. desk telephone) described in column 11, lines 1-21, said controller having means for identifying an operator of the physical equipment, such as a phone number or IP address, described in column 14, lines 1-5+. Also see column 15, lines 5-8+; and

- a spread spectrum data transceiver (i.e. radio transceiver 164) connected with said controller 172, said spread spectrum data transceiver 164 communicating data between said controller 172 and at least one of said at least one system-access detector, described in column 11, lines 30-34+.

In claim 6, Gernert et al teach that said spread spectrum data transceiver 164 is from a frequency-hopping spread spectrum data transceiver described in column 11, lines 30-34+.

In claim 7, Gernert et al teach that said identifying means detects a password {see column 14, lines 52-56}.

In claim 8, Gernert et al teach that said client identifier unit 15 further comprises a display connected to said controller and a keyboard connected to said controller {see column 14, lines 52-56}.

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In claims 9 and 18, Gernert et al teach that each of said at least one system-access detector comprises:

a controller (i.e. MAC processor 54) having an interface board (gateway 62 or 64 or 66) connected with said central computer gateway as shown in Figure 3; and

a spread spectrum data transceiver 52 connected with said controller 54, said spread spectrum data transceiver communicating data between said controller and at least one of said at least one client identifier unit 15 using frequency hopping spread spectrum communication described in column 8, lines 7-15+ and column 11, lines 30-34+.

In claim 10, Gernert et al teach that said frequency hopping spread spectrum data transceiver 52 is connected to an industrial scientific medical (ISM) band base antenna shown in Figure 3; and wherein said frequency hopping spread spectrum data transceiver 52 operates in a frequency range from about 900 MHz to about 6 GHz (i.e. 2.4 GHz ISM band) {see column 11, lines 30-34}.

In claim 19, Gernert et al teach that said computer network 100 or 200 comprises a database having user profiles, such as a set of parameter settings or class of service options, representing each individual user (i.e. personal options), wherein a user may have a list of speed dial numbers or ringing options, and sets of permissions (i.e. PIN number or other authorization data) allowing user access to physical equipment described in column 15, lines 30-42.

In claim 20, Gernert et al teach that said computer network comprises profiles for a given device configuration, such as ringing options or speed dialing, said profiles

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comprising binary codes (i.e. digital codes) to be used by devices defined to the network, and said network providing and modifying said binary codes relating to said devices (i.e. operational parameters of the handset are adjusted to the user's personal settings) described in column 15, lines 31-42.

Claim 12 recites the limitation of claim 2 and therefore rejected for the same reasons.

Claim 13 recites the limitation of claim 4 and therefore rejected for the same reasons.

Claim 15 recites the limitation of claim 6 and therefore rejected for the same reasons.

Claim 16 recites the limitation of claim 7 and therefore rejected for the same reasons.

Claim 17 recites the limitation of claim 8 and therefore rejected for the same reasons.

Claim 21 recites a method for practicing the system of claim 2 and therefore rejected for the same reasons.

Claim 22 recites a method for practicing the system of claim 4 and therefore rejected for the same reasons.

8. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,600,734 {Gernert et al} in view of US 2002/0019985 A1 {hereinafter '**Fucello et al**'}.

In claim 5, Gernert does not disclose "a positioning receiver connected with said controller, said positioning receiver providing a global position of said positioning receiver to said controller". However, Global Positioning Systems are well known for providing global position. As such, Fucello et al, in an analogous art, teach of a method of providing a user access to a communication network such as the Internet, comprising a data terminal 10 shown in Figure 5, capable of wireless communication and connection to the network. The data terminal 10 further comprising a well-known GPS receiver described in paragraph 0046. Fucello suggests that the GPS receiver is advantageous because specific geographical location of the data terminal 10 can be immediately ascertained. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to modify the system of Gernert to include a GPS receiver because, as taught by Fucello, specific geographical location of the mobile units 15 can be immediately ascertained.

Claim 14 recites the limitation of claim 5 and therefore rejected for the same reasons.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,600,734 {Gernert et al} in view of USP 5,588,043 {hereinafter 'Tiedemann, Jr. et al'}.

In claim 11, Gernert et al teach that each of the base stations 12, 13 and 14 is positioned at a distance from one another, as shown in Figure 1, but does not disclose "said pre-determined distance is based on a zone of coverage of each of said at least one base station". However, these claim limitations are conventional in cellular

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communication systems, as evidenced by Tiedemann. Tiedemann, in an analogous art, teach that base stations has pre-determined distance from one another based on a zone of coverage as shown in figures 1 and 3, and these zone of coverage may tend to overlap with coverage area boundaries described in column 8, lines 29-38+. Tiedemann suggests that knowing the zone of coverage of the base stations is advantageous because it provides a means to track the location and status of a mobile device. Without this knowledge, all the base stations in the systems has to be contacted for information regarding a mobile device, described in the paragraph bridging columns 7 and 8. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include such limitations, as claimed, in the system of Gernert because, as taught by Tiedemann, knowing the zone of coverage of the base stations is advantageous because it provides a means to track the location and status of a mobile device. Without this knowledge, all the base stations in the system have to be contacted for information regarding a mobile device.

Office Contact Information

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached from Monday through Friday, 7:30 AM to 5:30 PM.

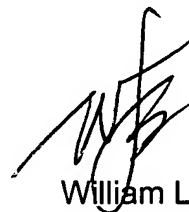
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy Garber can be reached on **(571)-272-7308**. The fax phone numbers

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for the organization where this application or proceeding is assigned is **571-273-8300** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



William L Bangachon
Examiner
Art Unit 2635

February 6, 2007



BRIAN ZIMMERMAN
PRIMARY EXAMINER